

Article - Natural Resources

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§5–208.

(a) The Department may condemn land, earth, gravel, stone, timber, material, or any improvements in the name of the State when action is necessary to carry out the purpose of any legislative act or advance the aims of forestry, parks, or recreation, and the work of the Department. The Department may pay any cost and expense incurred out of any surplus money standing to the credit of the Forest Reserve or Park Reserve Funds, not otherwise appropriated. This section does not apply to land located within Baltimore City.

(b) After a complaint for condemnation has been filed in accordance with Maryland Rule 12-205, and upon payment into the court of an amount equal to the higher of two appraisals, the court, at the request of the Department, may, following a prompt hearing, issue an injunction prohibiting any physical change or improvement to the property which would adversely affect the public purpose for which the Department is seeking to condemn the property. However, if the complaint for condemnation and payment into the court is accompanied or followed by an affidavit or affidavits from the Department alleging a reasonable belief that the property owner intends to cause imminent and irreparable physical change to the property, the court may issue an ex parte injunction prohibiting any physical change or improvement to the property until a prompt hearing can be held, after which hearing the terms of the ex parte injunction may be continued or modified as justice may require until the condemnation proceedings are concluded. The court may, as a part of the hearing, release all or part of the funds to prevent economic injury to the landowner.

(c) If the Department abandons the condemnation suit, the court may award the defendants compensation for any economic injury that they may have incurred due to the injunction prohibiting any change or improvement to the property.

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